(2) In subsection (b), insert the following new paragraph immediately after paragraph (2), and renumber paragraphs (3) and (4) as paragraphs (4) and (5), respectively:

"(3) Any individual who has applied for or received an airman's certificate may request the chief driver licensing official of a State to transmit information regarding the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator of the Federal Aviation Administration may receive such information, and shall make that information available to the individual for review and written comment. The Administrator shall not divulge or use such information except to verify information required to be reported to the Administrator by airmen applying for an airman medical certificate and to evaluate whether the airman meets the minimum medical standards as prescribed by the Administrator to be issued an airman medical certificate. There shall be no access to information in the Register under this paragraph if such information was entered in the Register more than three years before the date of such request, unless such information relates to revocations or suspensions which are still in effect on the date of the request. Information submitted to the Register by States under the Act of July 14, 1960 (74 Stat. 526), or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

(b) Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) is amended by adding the following sentence at the end of paragraphs (b)(1), (b)(2), and (b)(4), respectively: "Information submitted to the Register by States under the Act of July 14, 1960 (74 Stat. 526), and under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".●

By Mr. SPECTER:

S. 1820. A bill to improve the objectivity, reliability, coordination and timeliness of national foreign intelligence through a reorganization of positions, and for other purposes; to the Select Committee on Intelligence.

NATIONAL INTELLIGENCE REORGANIZATION ACT

Mr. SPECTER. Mr. President, the bill I am introducing today would enhance considerably the objectivity and reliability of our Nation's intelligence, which the events of the past 2 years have demonstrated to be woefully lacking. It would greatly improve the management structure and control of the activities and vast resources of our country's intelligence agenices and departments.

In his Iran-Contra testimony, Secretary of State George Shultz summarized, in very clear terms, the principal problem with U.S. intelligence. [One is] the importance of separating the function of gathering and analyzing intelligence from the function of developing and carrying out policy. If the two things are mixed together, it is too tempting to have your analysis and selection of information that's presented favor the policy that you're advocating. Secretary Shultz went on to say that, long before the Iran-Contra events came to light, he already had come to have grave doubts about the objectivity and reliability of some of the intelligence he was receiving precisely because the people who supplied it were too deeply involved in advocating and carrying out policy.

In the 40 years since passage of the National Security Act the Directors of Central Intellience have been tested repeatedly on their ability to maintain a delicate separation of two competing responsibilities. On the one hand, the Director of Central Intelligence [DCI] has been expected to provide unvarnished intelligence information to the President and other foreign policymakers. On the other hand, he has been asked to be a participant in the making and execution of foreign policy through covert actions. If history has taught us anything, it is that the desired separation cannot and has not been maintained. It is unrealistic and probably unfair to expect our Nation's senior intelligence officer to be the purveyor of objective, unbiased information upon which the President and Secretary of State may formulate a foreign policy, while at the same time charging him to influence and implement that policy in the form of covert action.

The problem is particularly acute when the DCI is a foreign policy activist. Director William Casey was not the first Director of Central of Intelligence who desired to be involved to some degree in the formulation or implementation of foreign policy, nor is he likely to be the last. Recognizing this, we should take steps to ensure, to the greatest degree possible, some structural separation of the DCI's current function. We simply cannot afford to have two Secretaries of State, two foreign policymakers who may be attempting to move the country in different directions, one overtly and the other covertly. No one is well served by this contradiction—not the President, not the Congress and not the country.

Now we have a choice, we can preserve the status quo and hope that the current Director of Central Intelligence—and each of his successors—will understand the lessons of the Iran-Contra affair. Or we can create a better system of checks and balances on covert action undertaking. It is up to the Congress to clarify in the law what we expect the Director of Central Intelligence and the CIA to do and not to do. We can do this by providing an organizational framework designed to permit the Director of Central Intelligence to provide objective, reliable and coordinated intelligence to policymakers in a timely manner. However, we must make it clear to the Director—not simply the current one but to all future ones—that it is not the DCI's function to formulate and implement foreign policy.

This bill accomplishes these purposes by:

First, amending the National Security Act of 1947 to make clear that the principal role of foreign intelligence and of the agencies who provide such intelligence is to ensure the provision of objective, reliable, coordinated and timely information upon which the President and other senior foreign policymakers may base sound foreign policy decisions;

Second, relieving the Director of Central Intelligence of the responsibility for implementing covert actions, but charging him with responsibility for overseeing the conformity of such actions with applicable laws and regulations;

Third, establishing the position of "Director of the Central Intelligence Agency" to manage the CIA on a full time basis and to implement cover actions directed by the President.

As I already have stated, this bill will greatly enhance the management of the activities and vast resources of our several intelligence departments and agencies. In 1947, President Truman, mindful of the President's need for intelligence and of Pearl Harbor's bitter lesson stemming from uncoordinated and poorly disseminated intelligence, formed an agency to centralize intelligence. The position of Director of Central Intelligence was created to head the new Central Intelligence Agency and to coordinate the activities of the intelligence entities in existence. Those entities consisted of the intelligence services of the Army and Navy, a small bureau in the State Department and remnants of the OSS. Since 1947, that coordination task has grown enormously with the addition of complex technology, the commitment of vast resources and the establishment of many large, secretive and organizationally complex departments and agencies.

Since John F. Kennedy, several Presidents have directed their Director of Central Intelligence to devote the bulk of their time to the intelligence community. For a number of reasons this has not happened. Suffice it to say that, in some cases, DCI's have found the operational role of the CIA more glamorous than managing an intelligence community composed of agencies and departments opposed to centralized direction. Events such as Watergate, congressional investigations of wrongdoings, and the turnover of DCI's, also have contributed to the neglect.

Today, the intelligence community, as it is called, consists of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the large foreign intelligence and counterintelligence elements of the Army, Navy, Air Force and Marine Corps, offices for the collection of specialized intelligence through reconnaissance, the FBI's Foreign Counterintelligence Division, the State Department's Bureau of Intelligence and Research and elements of the Treasury and Energy Departments. These organizations provide what we call national foreign intelli-

gence. There are other elements in the Government, mostly within the Defense Department, which run a vast system of tactical intelligence nearly as complex and as expensive as that of the national foreign intelligence world. Outside of the Government, there is another world of contractors who design and develop these complex intelligence systems and, in some cases, operate them for the intelligence agencies.

Make no mistake about my remarks. These agencies and programs are critical to our national security. The country needs them. But their budgets are in the billions; their growth in terms of people is the greatest in the history of U.S. intelligence; their mission and challenges now and for the foreseeable future are so demanding, complex and interdependent that their management and leadership can no longer be accomplished by a Director of Central Intelligence who also must manage a large agency such as the CIA.

The Intelligence Oversight Committees which review the programs and budgets of the intelligence community have clearly identified management of the intelligence community as a critical issue. In 1976, the Select Committee to study Government operations with respect to intelligence—the predecessor to the Senate Select Committee on Intelligence—"found concern that the function of DCI in his roles as intelligence community leader and principal intelligence adviser to the President is inconsistent with his responsibilities to manage one of the intelligence community agencies—the CIA." The committee also expressed concern that the DCI's new span of control—both the entire intelligence community and the entire CIA—may be too great for him to exercise effective detailed supervision of clandestine activities. Those concerns are even greater today than they were 11 years ago, because of the greater challenges and costs facing intelligence, the growing competition for resources and the unacceptable risks to U.S. foreign policy.

To address this problem, the bill I am introducing today also:

Changes the title of the "Director of Central Intelligence" to the "Director of National Intelligence" to reflect the new, more important status of this position (the title is not new; it was first proposed by the Senate Intelligence Committee in 1980);

Establishes the Director of National Intelligence as the primary adviser to the President on national foreign intelligence and as the full-time manager of the intelligence community with clearly defined statutory responsibilities and authorities for the foreign intelligence effort;

Makes the Director of National Intelligence a statutory member of the National Security Council to ensure that he is aware of emerging issues for which there is an intelligence need and to ensure that there is an objective intelligence base for national security and foreign policy decisions being contemplated;

Ensures that the position of the Director of National Intelligence as leader of the intelligence community is not a hollow one, by giving the position not only the statutory authority to approve and submit the intelligence community program, resources and budget, but also to task all intelligence collection and analytical resources;

Eliminates the need for a Director of the Intelligence Community staff since that 237 person staff plus other offices and personnel would report directly to the Director of National Intelligence.

Finally, I endorse completely Judge Webster's view, recently expressed to a group of reporters, that the CIA's directorship should not change every time a new President is elected. This gives rise to charges that the position has been politicized and that there is an inadequate institutional memory of lessons learned from the past. In the past 15 years there have been 7 heads of the CIA and only 2 of these were career intelligence officers. We cannot afford a generalized loss of confidence in the CIA's objectivity and reliability, because of the politicization of its analysis such as was expressed by Secretary of State Shultz, to ensure a more professional approach to intelligence activities and analysis, to reduce the risk of politicization and to protect against the dangers of an intelligence "czar," this bill also would:

Create a fixed, 7-year tenure for the Director of the Central Intelligence Agency.

Require that at least one of the positions of Director or Deputy Director of the Central Intelligence Agency be filled by a career intelligence officer from the intelligence community.

I am not proposing that the Director of National Intelligence be tenured because I believe that the President should have the right to select individuals who are to serve as his primary advisers. I believe that with a separate and tenured Director of the CIA and with other intelligence agency heads not under the administrative control of the Director of National Intelligence (the Directors of the National Security Agency and the defense intelligence agencies are appointed by the Secretary of Defense), we would have a better system of checks and balances against politicization of intelligence.

Thank you, Mr. President.

By Mr. BREAUX:

S. 1821. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide that certain services performed by an individual in the processing of fish or shellfish are exempt from the definition of employee for Federal tax purposes; to the Committee on Finance.

SEAFOOD PROCESSOR TAX LEGISLATION

Mr. BREAUX. Mr. President, I would like to bring to the attention of my colleagues and ask for their assistance with an issue that has profound implications for the U.S. seafood processing industry, particularly in the Gulf of Mexico region.

Recently, the Internal Revenue Service [IRS] has announced a change in policy with regard to the Federal tax responsibilities of U.S. seafood processors. Specifically, the IRS has stated a new position that contract workers in seafood processing facilities who peel, pick, head, shuck, fillet, or otherwise process fish or shellfish, and who are compensated on the basis of the volume of seafood thus processed, are no longer to be treated as independent contractors, but as employees instead. A good example are the thousands of workers at the small "mom and pop" crab, oyster and shrimp houses that dot our gulf coast, but many analogous examples exist nationwide.

This new IRS position, which directly contradicts long-standing IRS rulings and policy, places a substantial and unjustified financial and administrative burden on the already marginal U.S. seafood processing industry. This new burden translates to a net increase in Federal tax responsibility of 7.95 percent for the seafood processors as well as a costly administrative burden of keeping detailed records on and withholding taxes from payments to a vast array of transient workers. In fact, unable to bear this new responsibility, small family-owned seafood processing businesses throughout the gulf coast have already begun to close their doors. This certainly does nothing to improve the serious unemployment situation that resulted from the oil and gas depression in this region.

The treatment of workers as independent contractors for Federal tax purposes under certain types of employment arrangements has significant statutory precedent. For example, Congress has established independent contractor status in analogous situations where workers are compensated on the goods produced (code section 3121(b)(16)—tenant farmers; code section 3121(b)(20)—fishermen), where the individuals participating in an industry are by custom or habit highly mobile (code section 3121(b)(1)—foreign migrant agricultural workers), and where the administrative burdens of treating individuals as employees would be unreasonable (code section 3121(b)(20)—fishing vessel employees; see Senate Report No. 938, 94th Cong., 2d Sess. 385-86 (1976)).

Mr. President, workers that perform the nominal processing of seafood possess these same characteristics and have thus been treated appropriately by IRS until recently. Rather than receive a fixed wage, these workers are paid on the basis of the quantity of seafood they actually process. As a matter of culture, these individuals are generally highly mobile, frequent-